

DEPARTMENT OF WATER RESOURCES

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July 23, 2010

Mr. Phil Isenberg, Chair
Delta Stewardship Council
650 Capitol Mall
Sacramento, California 95814

Phil
Dear Mr. Isenberg:

Thank you for your letters dated April 21, 2010 and June 28, 2010, and the time and attention the Delta Stewardship Council (Council) has devoted to the Bay Delta Conservation Plan (BDCP) and the BDCP Environmental Impact Report/Environmental Impact Statement (BDCP EIR/S). Your letters and the Department of Water Resources' (DWR) recent presentation to the Council recognize your mandate to develop a Delta Plan and act as a Responsible Agency under the California Environmental Quality Act (CEQA) for the BDCP EIR/S. I know we share the goal of realizing Delta sustainability, and a strong interagency partnership is the first step in achieving that objective. As such, we encourage the Council's active participation in the BDCP development process and in serving as a Responsible Agency in the BDCP EIR/S process.

The BDCP EIR/S is a joint document currently being prepared by DWR as the Lead Agency under CEQA and the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service as federal co-leads under the National Environmental Policy Act (NEPA). To facilitate your involvement in that process, I invite the Council to participate in the BDCP Environmental Coordination Team (BECT), which is made up of Lead and Responsible agencies under CEQA and the Cooperating Agencies under the NEPA process. Your participation in these monthly meetings will allow us to exchange ideas and identify opportunities and obstacles as we work through this process.

We have reviewed the scoping comments on the BDCP EIR/S you provided in your June 28, 2010 letter. While we will take all of your comments into consideration, I would like to respond to your specific comments regarding the project purpose and need statement. As noted in your letter, the Revised Notice of Preparation (NOP) for the BDCP EIR/S includes as one of its objectives, to "restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts and other existing applicable agreements." Other objectives identified in the NOP include improving the ecosystem of the Delta by "...providing for the conservation and management of covered species..." and "...protecting, restoring, and enhancing certain aquatic, riparian, and associated terrestrial natural communities and ecosystems." Your letter also recognized the Delta Reform Act makes the co-equal goals of ensuring water supply reliability and restoring the Delta ecosystem the cornerstone of water policy in the Delta. The Delta Reform Act also establishes that the policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.

DWR agrees that BDCP must be implemented in a way that is consistent with the Delta Reform Act and the project purpose described in the NOP is consistent with these policies. While some parties have expressed concern about including the phrase "up to contract amounts" in the NOP, we believe that it is our responsibility to consider improved reliability of the SWP and CVP deliveries and, when taken in complete context, the project purpose is appropriate as part of the NOP. It is not our expectation that full contract amounts will be delivered from the Delta every year. However, under certain circumstances, when hydrology and Delta fishery conditions allow, increased deliveries provide important flexibility that would allow reduction in exports under more critical conditions in the Delta and help meet the co-equal goals.

At the July 1, 2010 BDCP Steering Committee meeting, Jerry Johns of DWR and Dan Castleberry of the U.S. Fish and Wildlife Service presented the current conceptual alternatives to be evaluated for the BDCP EIR/S. The presentation is available online at the BDCP website: <http://baydeltaconservationplan.com>. The BDCP Steering Committee is scheduled to review draft "Alternatives to Take" at its August 26, 2010 meeting. Based on your comments at the May and June meetings, the Council would like to engage closely in the alternatives development process and I have directed my staff to provide updates to you as information is developed.

If you have any questions or need additional information, please do not hesitate to contact me at (916) 653-7007, or your staff may contact Russ Stein, Chief of Environmental Management for the DHCCP, who is coordinating BDCP EIR/S activities for DWR. You can contact him at (916) 651-9560.

Sincerely,



Mark W. Cowin
Director

Enclosure: 2009 NOP